

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
July 13, 2017

Name of Offender: Omar Rodriguez

Case Number: 2:14CR00367

Name of Sentencing Judicial Officer: Honorable Richard F. Boulware

Date of Original Sentence: July 29, 2015

Original Offense: Possession of a Controlled Substance with Intent to Distribute

Original Sentence: 37 Months prison, followed by 60 Months TSR.

Date Supervision Commenced: July 3, 2017

PETITIONING THE COURT

☐ To extend the term of supervision Months, for a total term of Months.

☒ To modify the conditions of supervision as follows:

1. No Alcohol – You must not use or possess alcohol.

CAUSE

On July 7, 2017, less than one week after the commencement of supervision, Mr. Rodriguez returned to the Residential Reentry Center (RRC) under the influence of alcohol, more specifically more than twice the legal drinking limit in the State of Nevada.

According to the incident report prepared by the RRC, Mr. Rodriguez returned to the facility after being out on an approved community movement pass at approximately 8:45 P.M. An alcohol Breathalyzer test conducted produced results of .19 Blood Alcohol Content (B.A.C.). A

RE: Omar Rodriguez

Prob12B
D/NV Form
Rev. June 2014

second test taken at 9:00 P.M. produced results of .25 B.A.C. Mr. Rodriguez was placed on lockdown at the facility with the exception for employment.

On July 10, 2017, the undersigned met with Mr. Rodriguez at the RRC to discuss the circumstances surrounding the incident. Mr. Rodriguez admitted to consuming several beers and a bottle of Amsterdam after receiving news that his father was in the hospital with diabetes complications (unconfirmed). Mr. Rodriguez admitted he should have made a better decision to deal with the situation and understands that his actions could have consequences with regards to his supervision.

Mr. Rodriguez was verbally admonished, immediately placed on the code-a-phone testing system, and referred for a substance abuse and mental health assessment. We are respectfully requesting that Mr. Rodriguez's conditions of supervision be modified to include alcohol abstinence. Mr. Rodriguez is in agreement with this modification as evidenced by his signature on the attached Probation Form 49, Waiver of Hearing. Should Your Honor prefer to advance the status hearing, we would be in agreement with that course of action as well.

Respectfully submitted,

Elizabeth A. Olson

Elizabeth A. Olson 2017.07.20
17:12:59 -07'00'

Elizabeth A Olson
United States Probation Officer

Approved:

Niquita M. Loftis Niquita M. Loftis
2017.07.20 10:51:53
-07'00'

Niquita Loftis
Supervisory United States Probation Officer

RE: Omar Rodriguez

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THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☐ The modification of conditions as noted above
- ☒ Other (please include Judicial Officer instructions below):

The Court ORDERS a Summons for appearance for a status

hearing on 8/24/2017 at 3:00 PM regarding [29] 12B Petition

for Modification of Conditions of Release



Signature of Judicial Officer

August 10, 2017

Date

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

No Alcohol – You must not use or possess alcohol

Witness


U.S. Probation Officer

Signed


Probationer or Supervised Releasee

Date

